

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TIFFANY SUTTON

Plaintiff,

-v-

5:08-CV-410-DNH-GHL

CITY OF SYRACUSE; STEPHEN BEAR, in
his individual and official capacity,

Defendants.

DAVID N. HURD
United States District Judge

ORDER

Pursuant to the oral decision of the Court, entered into the record after hearing oral argument on July 9, 2009, in Utica, New York, it is hereby

ORDERED that

(1) defendant's motion for summary judgment is GRANTED as to the following claims and these claims are DISMISSED:

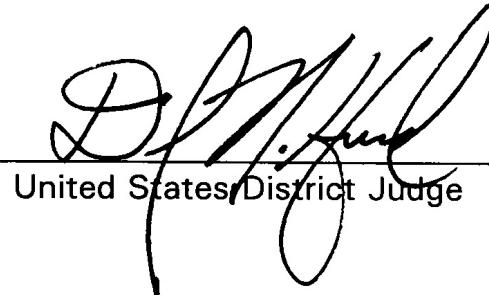
(a) plaintiff's claims for false arrest and unreasonable search and seizure to the extent those claims assert violations of plaintiff's rights under the Fifth and Fourteenth Amendments;

(b) plaintiff's claim for intentional infliction of emotional distress to the extent that claim is asserted against the City of Syracuse;

(2) defendant's motion for summary judgment as to all other claims is DENIED; and

(3) The City of Syracuse and Stephen Bear shall be the only parties named in the caption for this action.

IT IS SO ORDERED.



United States District Judge

Dated: July 9, 2009
Utica, New York